

**REMARKS****I. Introduction**

Claims 1-19 are pending in the above application.

The Drawings stand objected to.

Claims 1-5, 7-8, 10-11 and 13-17 stand rejected under 35 U.S.C. § 102.

Claims 6, 9, 12, 18 and 19 stand rejected under 35 U.S.C. § 103.

Claims 1, 7 and 13 are independent claims.

**II. Amendments**

The specification has been amended to conform to the drawings. Specifically, ¶ 32 has been amended to correct reference to upstream amplifier 340. ¶s 34, 35 and 36 have been amended to correctly identify filter 320 as a highpass filter and filters 334 and 344 as lowpass filters, as illustrated in Fig. 3. Filter 320 was also previously discussed as a highpass filter at least in ¶s 34 and 26. Accordingly, as the specification is believed to conform to the drawings, the objection to the drawings is believed to be addressed.

Claims 1, 7, 11 and 13 have been amended to improve the grammar and arrangement thereof.

Claims 20 and 21 have been canceled without prejudice or disclaimer.

No new matter has been added.

**III. Prior Art Rejections**

A. Claims 1-5, 7-8, 10-11 and 13-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (U.S. Pat. 5,815,794).

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Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Williams does not disclose each and every limitation of independent claims 1, 7 or 13. Williams does not disclose to selectively provide unimpeded, partially impeded, and full cut off of cable service in the downstream, upstream or downstream and upstream paths, as recited by amended claims 1, 7 and 13, respectively. Williams discloses to suppress undesirable energy in the return path of a cable network from entering the cable network by disconnecting (isolating) the local source of the undesirable energy from the cable network. Abs. More particularly, Williams discloses to either connect or disconnect a remote point by closing or opening switch 330 in the downstream or closing or opening switch 350 in the upstream. Fig. 3. There are only two states disclosed in Williams, connected or disconnected. Williams does not disclose to provide a partially impeded downstream or upstream signal.

The diplex filter 370 in Williams is simply a well known structure to separate the downstream frequencies from the upstream frequencies, e.g. a conventional cable system uses higher frequencies for the downstream communications and lower frequencies for the upstream communication. The diplex filter simply provides the entire upstream or downstream spectrum to remote point 104, i.e. the path (or spectrum) is not partially impeded. Moreover, Williams clearly does not disclose distinct paths for "unimpeded" and "partially impeded" as recited by the above claims, i.e. the diplex filter is always in the path of Williams, hence it cannot be construed as providing both unimpeded and partially impeded.

Accordingly, as Williams does not disclose each and every limitation of amended claims 1, 7 or 13, Williams does not anticipate amended claims 1, 7 or 13. Further, Williams does not anticipate claims 2-5 which depend on amended claim 1 and incorporate all of the limitations thereof, claims 8, 10 and 11 which depend on amended claim 7 and incorporate all of the limitations thereof, nor claims 14-17 which depend on amended claim 13 and incorporate all of the limitations thereof.

B. Claims 6, 9, 12, 18 and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Williams in view of Jung (U.S. Pat. 6,678,893).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Williams nor Jung taken alone or in combination, disclose or suggest to selectively provide unimpeded, partially impeded, and full cut off of cable service in the downstream, upstream or downstream and upstream paths, as recited by amended claims 1, 7 and 13, respectively. Williams does not disclose such as discussed above. Jung also does not disclose such, and the Office action does not appear to rely on Jung as disclosing such.

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Accordingly, as neither Williams nor Jung taken alone or in combination, disclose or suggest all of the elements of amended claims 1, 7, or 13, claims 6 and 9 which depend on amended claim 1, claim 12 which depends on amended claim 7, and claims 18 and 19 which depend on amended claim 13 are not rendered unpatentable by the combination of Williams and Jung.


#### IV. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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